

CAUSE No. 09-20-00014-CR, 09-20-00015-CR, 09-20-00016-CR,
09-20-00017-CR, 09-20-00018-CR

IN THE COURT OF APPEALS
FOR THE NINTH SUPREME JUDICIAL DISTRICT
AT BEAUMONT

FILED IN
9th COURT OF APPEALS
BEAUMONT, TEXAS
4/8/2020 12:49:42 PM
CAROL ANNE HARLEY
Clerk

BRIAN RAY MIDDLETON

Appellant,

Vs.

STATE OF TEXAS,

Appellee

Appealed from the 253rd District Court

Of Liberty County, Texas

Cause Nos. CR31225, CR41226, CR31227, CR34574, CR34752

**FIRST MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S BRIEF**

TOM ABBATE
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TO THE HONORABLE NINTH COURT OF APPEALS:

Pursuant to TEX. R. APP. P. 10.1 and 38.6(d), the Appellant, BRIAN RAY MIDDLETON, files this First Motion to Extend Time to File Appellant's Brief.

Appellant's opening brief is currently due on APRIL 9, 2020.

Counsel for Appellant requests a 60-day extension of time to file its brief, making the brief due on JUNE 8, 2020. This is the first request for extension of time to file the opening brief.

Counsel for Appellant relies on the following reasons, in addition to the routine matters that counsel must attend to in daily practice, to explain the need for the requested extension:

- The COVID-19 pandemic has caused unprecedented complications in all matters pertaining to criminal cases. Access to courts, district clerks, clients, and counsel for the state have been either severely limited or completely unavailable.
- All TDCJ facilities have shut down all visitation due to the COVID-19 pandemic making visiting client impossible.

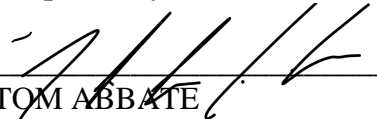
Counsel for Appellant seeks this extension of time to be able to prepare a cogent and succinct brief to aid this Court in its analysis of the issues presented. This request is not sought for delay but so that justice may be done.

All facts recited in this motion are within the personal knowledge of the counsel signing this motion, therefore no verification is necessary under Rule of Appellate Procedure 10.2.

PRAYER FOR RELIEF

For the reasons set forth above, Appellant requests that this Court grant this Unopposed First Motion to Extend Time to File Appellant's Brief and extend the Deadline for Filing the Appellant's Brief up to and including JUNE 8, 2020. Appellant prays for all other relief to which it may be entitled.

Respectfully submitted,

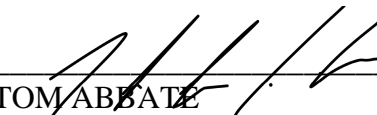


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CERTIFICATE OF SERVICE

I certify that on APRIL 8, 2020, a true and correct copy of the forgoing motion was delivered to the attorneys of record for all parties.



TOM ABBATE

SBOT: 24072501
Counsel for Appellant

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Amy Ingram on behalf of Thomas Abbate
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